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its doctrines. 5 JOUR. OF CRIM. LAW AND CRIMINOLOGY, 514; 4 *ibid.* 326, 804. If at the present time society believes it can better protect and preserve itself by preventing the propagation of those whom it deems unfit, it should at least be zealous to throw every possible constitutional safeguard around the objects of its legislation. But as yet no case has gone to the root of the matter. The few cases involving these statutes have been decided on purely procedural grounds; fundamentals were not in issue. One is awaited with interest which will weigh the various factors of public welfare and the rights of the individual, together with the doctrines of science, and decide fundamentally whether a state has a right to enforce such a statute. See also 6 MICH. L. JOUR. 289, 11 MICH. L. REV. 150, 12 *ibid.* 400, 13 *ibid.* 160.

CONSTITUTIONAL LAW—VALIDITY OF THE NINETEENTH AMENDMENT.—On a petition to strike the names of two female citizens from the registry of voters, it was alleged that neither of them was entitled to register, as the Constitution of Maryland confined suffrage to males, and that the Nineteenth Amendment to the Federal Constitution providing for woman suffrage was invalid since it had never been "legally proposed, ratified or adopted as a part of the Constitution"; and that it was "in excess of any power to amend the Constitution." *Held*, petition should be dismissed, as the amendment is valid. *Leser et al. v. Garnett et al., Board of Registry*, (Md., 1921), 114 Atl. 840.

In the instant case the Maryland Supreme Court, following the decision of the federal Supreme Court in *Hawke v. Smith*, 253 U. S. 221; *Hawke v. Smith*, 253 U. S. 231; *Rhode Island v. Palmer* (National Prohibition Cases), 253 U. S. 350, 386, holds that the states cannot impose limitations on the amending power of the United States Constitution nor limit the rights of legislatures or conventions to ratify a proposed amendment. The court disposes of the argument that the amendment is not within the amending power of the Constitution by referring to the Fifteenth Amendment, and citing *United States v. Reese*, 92 U. S. 214, and *Neal v. Delaware*, 103 U. S. 370, to show the privilege of Congress to propose amendments forbidding the United States or the several states from discriminating against any class of its citizens in regard to their right to vote. The constitutionality of the Eighteenth and Nineteenth Amendments has been questioned before, but their validity has been uniformly sustained in the federal courts. For the men sitting on the Supreme Court of a state, or even of the United States, to declare invalid an amendment submitted by a two-thirds vote of both houses of Congress, and ratified by three-fourths of the state legislatures, would certainly involve political consequences of a serious nature, for a constitution based on the sovereignty of the people must enlist their support to be effective. Unless they are willing to act through it, rather than through some other mode of expression, it loses all force. The Constitution must grow and expand with the nation or be cast aside. From a practical standpoint, and despite all fine-spun legal theory, it would seem that the vast silent majority of the American people have the constitutional right to change their own Constitution. Many authors have discussed the general

subject, among them being the present Chief Justice of the United States Supreme Court, writing in 29 YALE L. JOUR. 821. For an opposing view, see an article by J. D. White, 5 CORNELL L. Q. 113. Although now chiefly of academic interest, the bibliography of the subject may be found in a footnote in 19 MICH. L. REV. 3 and 4.

CONTRACTS—ASSIGNMENT OF RIGHTS.—The owners of certain patents licensed the defendants to use the patented machine and agreed to give them such advice as they needed respecting the mode of use of the machine. The defendants agreed to use their best efforts to increase the sale of the product and to pay certain royalties for the license. Later, the owners of the patents assigned their rights under the patents to the plaintiff, subject to the license of the defendants. The defendants refused to pay over the royalties to the plaintiff, who brings action for the royalties due. *Held*, a contract which involves personal services cannot be assigned in part and abide in the original parties to it in part. *Paper Products Machine Co. v. Safepack Mills et al.*, (Mass., 1921), 131 N. E. 288.

The court in the principal case relies for its decision mainly on the cases of *Delaware County Commissioners v. Diebold Safe and Lock Co.*, 133 U. S. 473, and *New England Cabinet Works v. Morris*, 226 Mass. 246. But these cases cannot be used as authorities to support this case. In *Delaware County Commissioners v. Diebold Safe and Lock Co.*, there was attempted an assignment both of rights and duties, and in addition the assignee tried to recover more compensation than was due under the original contract. Moreover, the part of the opinion in this case relied on by the court in the principal case was merely dictum. In *New England Cabinet Works v. Morris* there was also attempted an assignment both of rights and duties, while in the principal case there was only an assignment of rights. The court here fails to see that contracts are made up of rights and duties. That, although it is true that duties cannot be assigned and that the assignee cannot be compelled to perform them, yet if the assignor carries out the obligations, even though they are of a non-delegable kind, the rights under the contract can be assigned. This proposition is upheld by the great number of employment contract cases in which it has been decided that an assignment may be made of wages to be earned in the future under an existing contract of employment. *Kane v. Clough*, 36 Mich. 436; *O'Keefe v. Allen*, 20 R. I. 414; *Rodijkheit v. Andrews*, 74 Oh. St. 104; *Norton, Res., v. Whitehead, Adm.*, App., 84 Cal. 263. In *In re Wright*, 157 Fed. 544, the court says:

"The fact that a contract for services involves personal trust and confidence, and is therefore not assignable as an entirety, does not prevent the assignability of rights arising out of such contract, as for compensation earned thereunder, where the matter of personal confidence is not involved in such right."

See also 18 MICH. L. REV. 285.